



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BOOK REVIEWS

LAW OFFICE AND COURT PROCEDURE. By Gleason L. Archer, LL. B.
Boston: Little, Brown and Company.

To the young lawyer, fresh from law school training and versed only in the comparisons and contrast of innumerable cases, whose mind has been turned to the proposal or solution of legal problems, every treatise which may aid in the practical work of litigation is of interest. The above-entitled volume is largely adapted to the procedure in Massachusetts; a major portion of the pages are probably of little value outside of that jurisdiction.

Certain topics, however, in the Preparation for Trial, and in the Trial of Suits, are considered with clearness and useful suggestions are made. The advice in regard to familiarity with rules of evidence, to cross-examination and the argument to the jury are worth the study of the inexperienced advocate.

There are numerous illustrations of the questions to witnesses and their answers which elucidate the author's statements. It may be true that the eminent trial lawyer is born, not made; but while intuitive perceptions, celerity of judgment and personal magnetism cannot be acquired from printed pages, it is also true that even imperfect guidance in fields of professional labor, hitherto not traversed by him, may be most profitably sought by the neophyte from such sources as the above work on procedure. Its author has been both kind and wise in writing and publishing it.

J. W. P.

HISTORY OF THE DEVELOPMENT OF LAW. By Honorable M. F. Morris.
Washington: Byrne & Co.

Judge Morris deals, not with the development of a concrete system of law, but with the development of human law in the abstract. He attempts, in other words, to discover what impels man, who has a choice of actions, to select one rather than another. That which constrains him, aside from mere inclination, to do or not to do a particular act is known as the sanction of the law. And the rule of conduct which is to be adopted by reason of these sanctions is known as a law.

While the introduction of this work deals with the origin of human law, the remaining chapters treat of concrete systems of law. But the learned author seems to have forgotten to draw the deductions and conclusions from these desultory facts which the very nature of his work would demand. It is more of a narration of historical legal facts than a disquisition on the philosophy of law.

Judge Morris' intense prejudices are perhaps his most serious disqualification for such a work. He refers to William the Conqueror as an "enterprising ruffian" and to the Anglo Saxons as "bands of bloodthirsty savages," but his treatment of Blackstone is surely scurrilous and undeserving. He thinks the great commentator's "tongue

should have been palsied that characterized the Feudal System as a 'plan of liberty.' It is a sycophant lawyer, false to all sense of honor, false to the free spirit which was even then growing in England, that made that infamous statement. There are many falsehoods in Blackstone. This is one of the worst and most contemptible of them," and he thinks that Blackstone "deliberately and wilfully uttered an untruth." Are such truculent outbursts calculated to insure the reader's confidence in one whose judicial robes should stand for a judgment unfettered by doctrine or creed?

The book must not be pushed, however, for more than it was intended to be. It is an "Introduction to the History of the Development of Law," and as such sets down many very interesting facts. But the author rushes in where more competent men have feared to tread and pronounces opinions which had been better left unsaid. One must do him the justice of saying that his book is very readable, in fact, entertaining; yet there lurks behind his smooth style the suspicion of insecurity due to a lack of sufficiently exhaustive research.

J. H. W.

A POCKET CODE OF THE RULES OF EVIDENCE. By John H. Wigmore. Boston: Little, Brown and Co. 1910.

In the Pocket Code of Evidence Mr. Wigmore has attempted to give to the profession a practical hand-book of evidence which will supplant the omnipresent Stephen's Digest. Whether or not the law of evidence can adequately be presented in the concise form of a code is open to serious question, but it is believed that Mr. Wigmore's five hundred page 16mo. abridgment of his exhaustive five-volume treatise will go far toward a solution of the problem.

But little improvement could be suggested in the form of the volume. By a system of brackets the reader is warned at once whether a given rule is followed in all jurisdictions, or in some only, and the alternate blank pages afford the practitioner ample facilities for noting the peculiarities of his own jurisdiction. The rules that have as yet not been followed, but which Mr. Wigmore thinks should be law, are also marked in such a way as not to mislead. The elaborate system of cross-references, although not exhaustive, serve as a guide to other rules that may be applicable to the point in question, and citations of sections in Mr. Wigmore's Treatise on the System of Evidence open the way to a more exhaustive study of each rule. Special mention should also be made of the copious index, table of contents and tabular analysis, for the value of any code depends on the ease with which each rule can be found.

As a practical hand-book the substance of the volume may be open to criticism on the ground that too much space is devoted to a statement of the law as it ought to be, thus making reference to the law as it is less easy. Such Utopian discussions of what the law should be, ideal though they are, and sometimes more theoretical than practical, no doubt have an important place in exhaustive treatises, but it may well be argued that, in a hand-book designed for quick reference they are an unnecessary encumbrance. On the other hand, a writer of the depth and genius of Mr. Wigmore would scarcely be satisfied with a mere digest which any drudge might produce, and it is to be sincerely hoped that at least in the newer jurisdictions this phase of the code will have a potent influence in breaking the chain of useless technicalities with which the law of evidence is bound.